S.B.Civil Transfer Petition No. 41/2005

DATE OF ORDER : - 7.3.2006

HON'BLE MR. PRAKASH TATIA,J.

Mr. Arjun Purohit, for the appellant/s
Mr. HS Shrimali, for the respondent/s

<><><>

On 8.2.2006, the learned counsel for the respondent raised objection against transferring the petition from the court of Additional District Judge, Srikaranpur, District Sriganganagar to Family Court, Jodhpur. The objection of the learned counsel for the respondent was as under :-

> "According to learned counsel for the respondent, the transfer petition has been filed malafidely just to harass the respondent. The petitioner is residing at Nachna, District Jaisalmer and seeking transfer of the case to Family Court, Jodhpur. Not only this, but the petitioner did not want the case to be transferred to her native place but she has filed a case under Section 498A I.P.C. at Pokaran and has filed the petition under Section 125 Cr.P.C. at Jodhpur knowing it well that the respondent is residing in Sri Karanpur, District Sri Ganganagar.
>
> According to learned counsel for the respondent, if there was any bonafide, the petitioner could have asked for transfer of the case at

> Bikaner which could have been 200 kms. away from Village Nachana where the petitioner is residing and 300 kms. away from Sri Karanpur where the respondent is residing. From Sri Karanpur to Jodhpur, the distance is 600 kms. and that distance is more suitable to the petitioner so that she may harass the respondent."

In view of the above objection, the learned counsel for the appellant sought time to seek instructions from the petitioner.

Today, learned counsel for the appellant submits that presently petitioner is residing at Jodhpur and petition filed under Section 125 Cr.P.C. at Family Court, Jodhpur is pending, however, case filed under Section 498 IPC is pending at Pokran.

In view of the totality of the facts, I do not find any ground for transferring the case from Addl. District Judge, Srikaranpur, District Sriganganagar to Family Court, Jodhpur, in view of the objection raised by the learned counsel for the respondent as mentioned above.

The transfer petition is dismissed.

(Prakash Tatia), J.

rm/